

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
SELENA WITCHER

Plaintiff,

-against-

**NOTICE OF MOTION TO  
DISMISS THE THIRD AMENDED  
COMPLAINT**

1:21 CV 07750 – PGG-SN

NEW YORK CITY DEPARTMENT OF EDUCATION,  
DR. COLIN WOLFE, DR. LORENO MORENO and  
VICTORIA WALTERS

Defendants.  
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**PLEASE TAKE NOTICE** that the undersigned, on behalf of Defendant VICTORIA WALTERS (“Defendant Walters”) pursuant to the annexed Memorandum of Law in Support of her Motion to Dismiss the Third Amended Complaint will move this Court, before the Honorable Sarah Netburn at the United States Courthouse, 500 Pearl Street, New York, New York at a date and time to be determined by the Court, for an order pursuant to Rules 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure, dismissing the Third Amended Complaint in its entirety with prejudice.

Dated: New York, New York

September 26, 2024

**MEMO ENDORSED**

Given the stipulation of discontinuance entered into by Plaintiff and Defendant Walters, the motion to dismiss is denied as moot. The Clerk of Court is directed to terminate the motion (DK No 90).  
Yours, etc.

/s/ Jesse Gribben  
JESSE GRIBBEN (SS# 3799)  
Himmelstein McConnell Gribben  
& Joseph LLP

**SO ORDERED:** Attorneys for Defendant Walker

Paul G. Gardephe  
Paul G. Gardephe, U.S.D.J.

Dated: Nov. 22, 2024

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